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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

LARRY JAMES WOLFE, JR.,

Defendant and Appellant.

A138967

(Mendocino County
Super. Ct. No. SCUKCR1222500)

Larry James Wolfe, Jr. appeals from a judgment and the imposition of a suspended sentence following his third violation of the terms of his probation. His court-appointed counsel has filed a brief seeking our independent review of the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436 to determine whether there are any arguable issues on appeal. We conclude there are no issues requiring further review and affirm.

BACKGROUND

In August 2012, Wolfe entered a no contest plea to a single count of causing injury to another person while driving under the influence of alcohol or drugs in violation of California Vehicle Code section 23153, subdivision (a). Other charges were dismissed. In accord with his plea, the court suspended the imposition of sentence, placed Wolfe on probation with conditions including 180 days in jail, set fines and reserved setting the amount of restitution.

Wolfe twice violated the terms of his probation. Probation was revoked and reinstated both times. When Wolfe admitted to violating probation for the third time, new charges against him were dismissed, and the court informed Wolfe that his probation

would be revoked and he would be sentenced to state prison for two years on the original charge. He was so sentenced, assessed proper fines and fees and awarded 344 days of pre-sentence credit.

DISCUSSION

Based upon our review of the record, we have no reason to question the sufficiency of the court's advisements, Wolfe's waivers or the explanation of the consequences of his plea. His plea appears to be free, knowing and voluntary. In accordance with Wolfe's agreement to his third violation of felony probation, the court imposed a midterm two-year sentence. Probation was properly revoked, credits were properly awarded and Wolfe was properly sentenced to state prison.

Defendant's counsel has represented that he advised defendant of his intention to file a *Wende* brief in this case and of defendant's right to submit supplemental written argument on his own behalf. Defendant has not done so. Defendant has also been advised of his right to request that counsel be relieved.

There was no error. Our full review of the record reveals no issue that requires further briefing.

DISPOSITION

The judgment is affirmed.

Siggins, J.

We concur:

Pollak, Acting P.J.

Jenkins, J.